IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 26392 of 2007(P)

PETITIONERS:
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1. M.MOHANAN, S/O.JANAKI AMMA,
MADURAKKOTTIL HOUSE, THRIKKANDIYUR,
TIRUR TALUK, MALAPPURAM DISTRICT.

2. ABDU RAHIMAN, S/O.KHASIM,
CHERUKATTIL HOUSE, POOKAYIL BAZAAR,
TIRUR TALUK, MALAPPURAM DISTRICT.

3. MOIDEEN ALIAS KUNHU BAVA,
S/O.HAMSA, CHANDROTHI HOUSE,
MUTHUR, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.T.KRISHNAN UNNI (SR.)
SRIC.M.MOHAMMED IQUABAL

RESPONDENTS:
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1. THE DISTRICT COLLECTOR,
MALAPPURAM.

2. THE ADDITIONAL DISTRICT MAGISTRATE,
MALAPPURAM.

3. THE DISTRICT SUPERINTENDENT OF POLICE,
MALAPPURAM.

4. THE CIRCLE INSPECTOR OF POLICE,
TIRUR.

5. THE TAHSILDAR,
TIRUR.

BY GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 26392/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE LICENSE ISSUED TO THE P1 ALONG WITH THE ENDORSEMENTS THEREON DATED 23/7/2003.

EXT.P2. COPY OF THE LICENSE ISSUED TO THE P2 ALONG WITH THE ENDORSEMENT THEREON DT. 31/08/95.

EXT.P3. COPY OF THE LICENSE ISSUED TO THE P3 ALONG WITH THE ENDORSEMENTS THEREON DT. 31/3/98.

EXT.P4. COPY OF THE REPORT SUBMITTED TAHSILDAR, TIRUR TO DIST. COLLECTOR, MALAPPURAM DT. 23/3/2005.

EXT.P5. COPY OF THE REPORT SUBMITTED BY THE TAHSILDAR, TIRUR TO DIST. COLLECTOR, MALAPPURAM DT. 6/4/06.

EXT.P6. COPY OF THE NOTICE ISSUED BY THE R2 TO THE PETITIONERS DT. 13/07/2007.

EXT.P7. COPY OF THE REPRESENTATION DT. 3/08/07 BY THE P1 BEFORE THE R2.

EXT.P8. COPY OF THE REPRESENTATION BEFORE THE R2 ON 1/09/07 BY THE PETITIONERS 2 AND 3.

RESPONDENT'S EXHIBITS - NIL.

True copy

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ANTONY DOMINIC, J.

W.P.(C) 26392 of 2007

Dated: December 11, 2007

JUDGMENT

The grievance in this writ petition is against Ext.P6 notice issued to the petitioners requiring them to shift out from the Tirur town. The reason stated by the 2nd respondent in Ext.P6 is the possibility of danger that is likely to be caused on account of the explosives and other materials that are stored by the petitioners in the shops in question. Complaining that Ext.P6 has been issued without notice or hearing them, petitioners submitted Exts.P7 and P8 representations before the 2nd respondent. It is thereafter that this writ petition has been filed and the petitioners are continuing their occupation of the shop rooms as before.

2. Now that the main complaint of the petitioners is that Ext.P6 was issued without hearing them and since they have filed Exts.P7 and P8 representations, I dispose of this writ petition directing that the 2nd respondent shall consider Exts.P7 and P8 and pass fresh orders in the matter with notice to the petitioners and

after hearing them.

3. Depending upon the order to be passed, the issue as to whether the petitioners should be allowed to continue in the shops in question will be decided by the 2nd respondent. This shall be done within three weeks of production of a copy of this judgment. Until orders are passed, status quo as on today shall be maintained.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE

mt/-